

**REMARKS**

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, the specification has been amended to correct a typographical error by inserting a semicolon after Formula (III) at page 12. In addition, the abstract has been presented as a single paragraph and has been amended for readability purposes.

Claim 1 has been amended for readability and clarification purposes, and now recites that each of four benzene rings {A, B, C and D in formula (II)} of the phthalocyanine nucleus has at its  $\beta$ -position at least one substituent of  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$ . Thus, claim 1 has been amended to explicitly recite the positions of  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$ . It is noted that such recitation does not further limit the scope of claim 1, since it is already apparent from Formula (II) that  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$  are each present at a  $\beta$ -position of the benzene rings.<sup>1</sup> Claim 2 has been amended for grammatical purposes by adding a period at the end of such claim. Claim 3 has been amended for clarification purposes consistent with the amendment of claim 1.

In the Official Action, the Examiner has stated that copies of the foreign documents cited in the Information Disclosure Statement previously filed on July 20, 2004, have not been received by the Patent Office. The Examiner has further advised that such documents would be considered upon receipt thereof in the Patent Office. Accordingly, copies of the previously cited foreign documents are attached hereto for the Examiner's consideration, together with a form PTO-1449 citing such documents. Issuance of an Examiner-initialed

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<sup>1</sup> A discussion concerning the positions referred to by the term " $\beta$ -position" can be found in the instant specification at page 64.

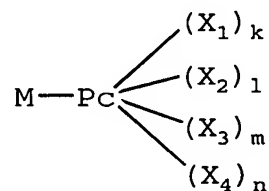
copy of the form PTO-1449 indicating consideration of the documents is respectfully requested.

The specification and claim 2 stand objected to for the reasons set forth at page 2 of the Official Action. These objections are moot in light of the above amendments to the specification and claim 2 and as such, withdrawal of the such objections is respectfully requested.

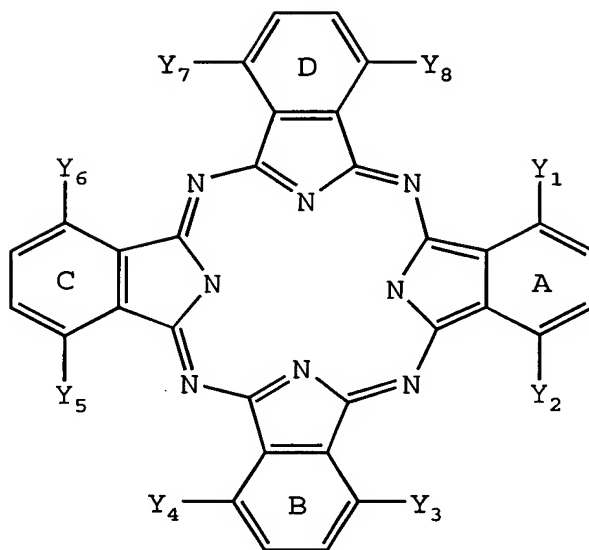
Claims 1-9 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1, 5, 14, 15, 18 and 20-23 of copending Application No. 10/504,681. Applicants request that this provisional rejection be held in abeyance until the present application is deemed to be otherwise in condition for allowance.

Claims 1-7 and 9 stand rejected under 35 U.S.C. 103(a) as being obvious over International Publication No. WO 00/08103 (*WO '103*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Independent claim 1 is directed to a dye mixture comprising a plurality of different dyes represented by the following formula (I):



Formula (II):



wherein M represents a hydrogen atom, a metal atom or an oxide, hydroxide or halide thereof; Pc represents a  $(k+l+m+n)$ -valent phthalocyanine nucleus represented by formula (II);  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$  each independently represents a substituent selected from the group consisting of  $-\text{SO}-\text{R}_1$ ,  $-\text{SO}_2-\text{R}_1$ ,  $-\text{SO}_2\text{NR}_2\text{R}_3$ ,  $-\text{CONR}_2\text{R}_3$ ,  $-\text{CO}_2-\text{R}_1$  and  $\text{CO}-\text{R}_1$  and each of four benzene rings {A, B, C and D in formula (II)} of the phthalocyanine nucleus has at its  $\beta$ -position at least one substituent of  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$ , provided that the case where  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$  all are the same is excluded and at least one of  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$  has an ionic hydrophilic group as a substituent;  $\text{R}_1$  represents a substituted or unsubstituted alkyl group, a substituted or unsubstituted aryl group or a substituted or unsubstituted heterocyclic group;  $\text{R}_2$  represents a hydrogen atom, a substituted or unsubstituted alkyl group, a substituted or unsubstituted aryl group or a substituted or unsubstituted heterocyclic group;  $\text{R}_3$  represents a substituted or unsubstituted alkyl group, a substituted or unsubstituted aryl group or a substituted or unsubstituted heterocyclic group;  $k$ ,  $l$ ,  $m$  and  $n$  represent an integer of  $0 < k < 8$ , an integer of  $0 < l < 8$ , an integer of  $0 \leq m < 8$  and an integer of  $0 \leq n < 8$ , provided that  $k$  and/or  $l$  and/or  $m$  and/or  $n$  each independently represents a number satisfying  $4 \leq k+l+m+n \leq 8$ ; and  $Y_1$ ,

$Y_2$ ,  $Y_3$ ,  $Y_4$ ,  $Y_5$ ,  $Y_6$ ,  $Y_7$  and  $Y_8$  each independently represents a hydrogen atom and/or a monovalent substituent and these monovalent substituents each may further have a substituent.

*WO '103* does not disclose or suggest each feature recited in independent claim 1. For example, *WO '103* does not disclose or suggest a dye mixture comprising a plurality of different dyes represented by the formula (I), wherein each of four benzene rings {A, B, C and D in formula (II)} of the phthalocyanine nucleus has at its  $\beta$ -position at least one substituent of  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$ , provided that the case where  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$  all are the same is excluded, and at least one of  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$  has an ionic hydrophilic group as a substituent, as recited in claim 1.

In this regard, Applicants note that *WO '103* discloses a compound having the formula  $M_vPc(SO_2NHAr)_x$ , wherein  $x$  can be from 2.5 to 4.5 (page 1, lines 24-35). However, *WO '103* has no disclosure or suggestion that each of four benzene rings {A, B, C and D in formula (II)} of the phthalocyanine nucleus has at its  $\beta$ -position at least one substituent of  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$ . That is, *WO '103* fails to provide any disclosure or suggestion that each of the four benzene rings contains at least one  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$ . Moreover, *WO '103* has no disclosure or suggestion that each of the four benzene rings contains at least one of  $X_1$ ,  $X_2$ ,  $X_3$  and  $X_4$  at its  $\beta$ -position, i.e., at the 2- and/or 3-position, the 6-and/or 7-position, the 10- and/or 11-position, and the 14- and/or 15-position.

As discussed in the instant specification, Applicants have discovered that employing the dye mixture in accordance with an aspect of the present invention can provide excellent results in the form of improved hue, light fastness and/or ozone gas resistance characteristics of images formed from the dye mixture (specification at page 64). Without wishing to be bound by any particular theory, it is believed that the presence of at least one substituent of

X<sub>1</sub>, X<sub>2</sub>, X<sub>3</sub> and X<sub>4</sub> at the  $\beta$ -position of each of four benzene rings {A, B, C and D in formula (II)} of the phthalocyanine nucleus, contributes to the beneficial characteristics attainable by use of the inventive dye mixture. In stark contrast, *WO '103* fails to have any recognition or suggestion of the significance of the positioning of the substituents bonded to the phthalocyanine compound thereof.

Furthermore, *WO '103* does not disclose or suggest the claimed formula (I) compound wherein the case where X<sub>1</sub>, X<sub>2</sub>, X<sub>3</sub> and X<sub>4</sub> all are the same is excluded and at least one of X<sub>1</sub>, X<sub>2</sub>, X<sub>3</sub> and X<sub>4</sub> has an ionic hydrophilic group as a substituent, as recited in claim 1. *WO '103* simply has no disclosure or suggestion of such features.

For at least the above reasons, it is apparent that no *prima facie* case of obviousness exists. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

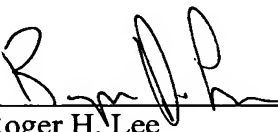
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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